

1986 Noncode Acts

1986-16-80

SECTION 80. (a) Bonds issued by a county under IC 12-1-11 and loans incurred under IC 12-1-11.5 are valid and binding obligations of the county that issued them. All legal rights and obligations concerning these bonds or loans shall be determined under IC 12-1-11 or IC 12-1-11.5.

(b) The state department of public welfare may not require a county to pay for hospital care for the indigent that was provided before January 1, 1986. A decision to pay for care provided before January 1, 1986, is at the discretion of the county. If the county decides to pay for hospital care for the indigent that was provided before January 1, 1986, the payment shall be made from county funds that are not required to be transferred to the state.

1986-16-82

SECTION 82. (a) Before December 1, 1986, the state department of public welfare shall provide to the state board of accounts a list of all personal property of each county department of public welfare that the state department will need. Before September 1, 1987, the state board of accounts shall determine the December 1, 1986, fair market value of the personal property listed by the state department.

(b) Notwithstanding IC 12-1-11.1, the property tax levy that a county is required to impose under that chapter for property taxes first due and payable in 1988 shall be reduced by an amount equal to twenty-seven percent (27%) of the value determined for the county under subsection (a).

(c) On January 1, 1987, the state department of public welfare becomes the owner of all the personal property of the county departments of public welfare that was listed by the state department.

1986-16-83

SECTION 83. (a) Each county's welfare fund levy for taxes first due and payable after December 31, 1986, shall be adjusted so that it reflects the county's need for money to pay its welfare obligations that will be incurred in 1987.

(b) After the state board of tax commissioners reviews and approves the county's welfare property tax levy for 1987, the state board of tax commissioners shall use the county's 1987 welfare property tax levy as the maximum county welfare property tax levy for purposes of IC 6-1.1-18.6, which levy may be increased as provided in IC 6-1.1-18.6.

1986-102-5

SECTION 5. An employer who makes a deduction from an employee's wages, in accordance with an assignment of wages for the payment of child support ordered by the court before September 1, 1985, under IC 31-1-11.5-13, may collect a fee of two dollars (\$2) each time the employer makes a deduction. The fee may be deducted by the employer from the employee's wages each time the employer makes the

deduction for support.

1986-107-4

SECTION 4. There is appropriated from the state general fund seven million dollars (\$7,000,000) to the distressed township supplemental poor relief fund to carry out the purposes of IC 12-2-14, as added by this act.

1986-109-3

SECTION 3. Notwithstanding IC 12-3-6.1-1 as amended by this act, the individual who is serving as the director of a children's home on August 31, 1986, continues as the director of the children's home until the individual resigns or is removed from that position by the authority that appointed that individual. IC 12-3-6.1-1 as amended by this act applies after an individual described in this SECTION ceases to act as the director of the children's home.

1986-119-3

SECTION 3. Notwithstanding IC 14-1-1-24, as amended by this act, any exemption to the motorboat speed limit that was granted by the department of natural resources in response to a petition from a majority of abutting property owners and that was in effect on August 31, 1985, remains in effect. However, if a majority of abutting property owners petition the department to rescind or amend such an exemption, the department may rescind or amend the exemption.

1986-126-6

SECTION 6. There shall be no conversion of any facility licensed or operating under the provisions of IC 16-10-1 or IC 16-10-4 to an intermediate care facility for the mentally retarded until July 1, 1987.

1986-126-8

SECTION 8. Notwithstanding IC 16-1-3.7-9, as added by this act, a hospital may, beginning on April 1, 1986, file with the state board of health a notice of intent to convert beds under IC 16-1-3.7-9 on or after July 1, 1986.

1986-127-10

SECTION 10. Notwithstanding IC 16-4-10-6, as added by this act, the Indiana state board of health is not required to establish a birth problems registry until January 1, 1987.

1986-141-2

SECTION 2. (a) Notwithstanding IC 20-8.1-10-6(c), as added by this act, and subject to subsection (b), three (3) of the initial appointments of the superintendent and two (2) of the initial appointments of the governor shall be made for four (4) year terms. The remainder of the initial appointments of the governor and the superintendent shall be made for two (2) year terms.

(b) Notwithstanding IC 20-8.1-10-6(b)(4)(D), as added by this act, the two (2) appointments to the advisory board that must be former

students of the academy shall initially be filled by two (2) individuals who represent secondary school students. The initial student appointments shall be made for two (2) year terms.

(c) Initial appointments to the advisory board created under this act must be made before July 1, 1986.

1986-149-66

SECTION 66. (a) Except as provided in subsection (b), the repeal of a statute by this act does not affect:

(1) the operation of the statute or any action taken under it before its repeal, including (without limitation) the continuing validity of a corporation's articles of incorporation and bylaws, indemnification provisions for directors, officers, employees, and agents, resolutions of the board of directors and shareholders, and corporate name, all as adopted by any domestic corporation before August 1, 1987 (or the date specified in a resolution of the board of directors adopted under IC 23-1-17-3(b), as added by this act), to the same extent that any of these would have been valid had the statute not been repealed;

(2) any ratification, right, remedy, privilege, obligation, or liability acquired, accrued, or incurred under the statute before its repeal;

(3) any violation of the statute, or any penalty, forfeiture, or punishment incurred because of the violation, before its repeal; or

(4) any proceeding, reorganization, or dissolution commenced under the statute before its repeal, and the proceeding, reorganization, or dissolution may be completed in accordance with the statute as if it had not been repealed.

(b) If a penalty or punishment imposed for violation of a statute repealed by this act is reduced by this act, the penalty or punishment if not already imposed shall be imposed in accordance with this act.

(c) Effective August 1, 1987, each resident agent and resident agent's address existing on that date shall be considered the registered agent and registered office, respectively, required by this act.

(d) Effective August 1, 1987 (or the date specified in a resolution of the board of directors adopted under IC 23-1-17-3(b), as added by this act), any existing certificate of resolution of a board of directors designating and stating rights and preferences of shares shall be considered a part of the corporation's articles of incorporation for purposes of this act.

1986-156-7

SECTION 7. (a) A registration to manufacture, distribute, or dispense a controlled substance that is:

(1) issued by the Indiana state board of pharmacy under IC 35-48-3, as effective April 30, 1986; and

(2) in effect on April 30, 1986; does not expire until the date specified for renewal of the registration under IC 35-48-3-3, as amended by this act. However, the registrant is liable for a prorated renewal fee proportionate to the fraction of the renewal period specified under IC 35-48-3-3, as amended by this act, that

the extended registration is in effect.

(b) The health professions bureau shall:

(1) notify a registrant described under subsection (a) in writing of;
and

(2) collect; the amount of the prorated fee applicable to the registrant's extended registration.

(c) The health professions bureau shall issue to a registrant described under subsection (a) such evidence of the registrant's extended registration as the state board of pharmacy requires.

1986-17-14

SECTION 14. (a) On July 1, 1987, all records and property of the auditor of state related to state lands are transferred to the department of administration.

(b) On July 1, 1987, a portion of the funds appropriated by division for the fiscal year beginning July 1, 1987, shall be transferred to the department of administration. The amount of this transfer shall be determined by the state budget agency and may not exceed the amount necessary to pay the total operating expenses of the department for mapping and platting of state lands during the fiscal year beginning July 1, 1987.

(c) The staff of the department of administration that deals with mapping and platting state lands shall be initially composed from persons employed by the land office division of the auditor of state's office.

1986-18-5

SECTION 5. The legislative council, with the assistance of the code revision commission, shall provide for the introduction of legislation in the 1987 regular session of the general assembly to correct any reference in a statute to Acts 1947, c.365 or to IC 4-22-1 and to revise any statute that is inconsistent with this act.

1986-184-7

SECTION 7. (a) Notwithstanding IC 33-2.1-4-1 and IC 33-2.1-4-2, as amended by this act, this SECTION applies to the terms of the members of the judicial nominating commission appointed or elected before 1993.

(b) The members of the judicial nominating commission serving on April 30, 1986, shall serve the remainder of their terms.

(c) A nonattorney or attorney member of the judicial nominating commission succeeding a member described by subsection (b) immediately after the expiration of that member's term shall serve a term expiring as follows:

(1) The nonattorney commissioner representing the Third District of the court of appeals whose term begins on January 1, 1988, on December 31, 1990.

(2) The attorney commissioner representing the Third District of the court of appeals whose term begins on January 1, 1990, on December 31, 1990.

(3) The nonattorney commissioner representing the First District

of the court of appeals whose term begins on January 1, 1990, on December 31, 1992.

(4) The attorney commissioner representing the First District of the court of appeals whose term begins on January 1, 1990, on December 31, 1991.

(5) The nonattorney member representing the Second District of the court of appeals whose term begins on January 1, 1992, on December 31, 1994.

(6) The attorney member representing the Second District of the court of appeals whose term begins on January 1, 1990, on December 31, 1992.

(d) Each nonattorney member and each attorney member of the judicial nominating commission succeeding a member described in subsection (c) immediately after the expiration of that member's term shall serve a three (3) year term.

(e) This SECTION expires January 1, 1996.

1986-235-1

SECTION 1. The commission on the bicentennial of the United States Constitution is established.

1986-235-2

SECTION 2. (a) The commission is composed of:

(1) the lieutenant governor, the secretary of state, the directors of the state museum, library, historical bureau, historical society, and department of natural resources, and the presidents of each of the respective state universities;

(2) ten (10) citizens of the state, appointed by the governor, one (1) from each congressional district with no more than six (6) members of one (1) political party;

(3) three (3) state senators, no more than two (2) from one (1) party, to be appointed by the president pro tempore; and

(4) three (3) state representatives, no more than two (2) from one (1) party, to be appointed by the speaker of the house.

(b) Members of the commission shall be appointed for the life of the commission and vacancies shall be filled by the appointing authority.

(c) Members of the commission shall serve without compensation.

(d) The commission may recommend additional persons to assist it in its work, and the governor shall appoint these persons and any others the governor deems necessary, all to serve as honorary members.

(e) The governor shall designate a member of the commission to serve as its chairman. The director of the state library shall serve as secretary of the commission.

1986-235-3

SECTION 3. The commission is authorized to accept, use, solicit, and dispose of donations of money, property, or personal services.

1986-235-4

SECTION 4. The commission is authorized to design and use a logo as the official state emblem commemorating the bicentennial of the

United States Constitution.

1986-235-5

SECTION 5. (a) The commission shall:

- (1) plan and develop activities appropriate to commemorate the bicentennial of the United States Constitution;
- (2) encourage private organizations and local governments to organize and participate in bicentennial activities commemorating or examining the drafting, ratification, and history of the United States Constitution and the specific features of the document;
- (3) coordinate all bicentennial activities throughout the state; and
- (4) cooperate and coordinate its efforts with the United States Commission on the Bicentennial of the Constitution.

(b) In planning and implementing appropriate activities to commemorate the bicentennial, the commission shall give due consideration to:

- (1) the historical setting in which the Constitution was developed and ratified, including such antecedents as the Federalist Papers and the Articles of Confederation;
- (2) the contribution of diverse ethnic and racial groups;
- (3) the relationship and historical development of the three (3) branches of the government;
- (4) the importance of activities concerning the Constitution and citizenship education throughout the state;
- (5) the unique achievements and contributions of the participants in the Constitutional Convention of 1787 and the state ratification proceedings;
- (6) the diverse legal and philosophical views regarding the Constitution;
- (7) the need for reflection upon both academic and scholarly views of the Constitution and the principle that the document must be understood by the general public;
- (8) the substantive provisions of the Constitution itself;
- (9) the impact of the Constitution on American life and government; and
- (10) the need to encourage appropriate educational curricula designed to educate students at all levels of learning on the drafting, ratification, and history of the Constitution and the specific provisions of that document.

(c) The commission shall, before November 1, submit an annual report to the governor, the President Pro Tempore of the Indiana Senate, the Speaker of the Indiana House of Representatives and the Chief Justice of the Indiana Supreme Court.

1986-235-6

SECTION 6. (a) The president of each state university shall cooperate with the commission, especially in the encouragement and coordination of scholarly works and presentations on the history, culture, and political thought involved in the period surrounding the drafting of the United States Constitution.

(b) The directors of the state library, museum, and historical bureau

shall cooperate with the commission, especially in the development of display of exhibits and collections and in the development and bibliographies, catalogs, and other materials relevant to the period surrounding the drafting of the United States Constitution.

1986-235-7

SECTION 7. All property acquired by the commission shall be deposited for preservation with or disposition by the Indiana historical bureau.

1986-235-8

SECTION 8. All money donated to the commission or received in furtherance of contracts under this act shall be deposited with the treasurer of state and is appropriated to the commission. All expenditures of the commission shall be by warrant issued by the auditor of state on vouchers of the chairman of the commission. No money deposited in a special fund established for the commission shall revert to the general fund, and on dissolution of the commission, all such money remaining unexpended or unencumbered shall be transferred to the Indiana historical bureau.

1986-236-1

SECTION 1. The department of mental health may distribute an amount no greater than two hundred one thousand dollars (\$201,000) to Developmental Services, Inc., for its sheltered workshop located in Madison, Indiana. The distribution must be made from unencumbered funds appropriated to the department of mental health by Acts 1981, located in Batesville, Indiana.

1986-237-8

SECTION 8. There is appropriated to the office of the secretary of state the sum of thirty thousand dollars (\$30,000) from the state general fund for use by the general corporation law study commission in completing its work for the period from July 1, 1986, through December 31, 1986.

1986-238-1

SECTION 1. As used in this act, "homemaker" means an individual who:

- (1) is an adult; and
- (2) has worked as an adult primarily without remuneration to care for the home and family, and for that reason has diminished marketable skills.

1986-238-2

SECTION 2. As used in this act, "single parent" means an individual who:

- (1) is unmarried or legally separated from a spouse; and
- (2) has either custody or joint custody of a minor child or children.

1986-238-3

SECTION 3. Before December 1, 1986, the state board of vocational and technical education under IC 20-1-18.1 shall develop a three (3) year plan designed to assist in eliminating artificial and other employment barriers raised against homemakers and single parents in Indiana. The plan must:

- (1) emphasize assisting individuals with the greatest financial need;
- (2) give special consideration to homemakers who because of divorce, separation, or the death or disability of a spouse must prepare for paid employment;
- (3) provide assurances that the state will furnish relevant training and vocational education activities to homemakers and single parents;
- (4) provide safeguards, including a requirement that an applicant sign a financial eligibility statement under penalty of perjury, to ensure that the funds provided through this act reach only eligible individuals; and
- (5) propose necessary changes to the State's Higher Education Award Program and Freedom of Choice Program under IC 20-12-21 to provide for assistance to homemakers and single parents, as defined in this act. The state board of vocational and technical education shall annually evaluate the plan developed under this SECTION and report its findings to the governor and the general assembly.

1986-245-2

SECTION 2. (a) The appropriate officials, acting on behalf and in the name of the state, shall enter into a lease with Indiana Medical History Museum, Inc., or its successor, leasing the real estate and the improvements generally known as the Old Pathology Building and the Dead House that are held by Central State Hospital and that are described as follows:

Part of the Southwest Quarter of Section 4, Township 15 North, Range 3 East, Marion County, Indiana, and being more particularly described as follows: Beginning at a point on the North line of said quarter section being North 88 degrees 20 minutes 04 seconds East (assumed bearing) 615.07 feet from the Northwest corner thereof; thence continue North 88 degrees 20 minutes 04 seconds East along said North line 298.15 feet; thence South 0 degrees 25 minutes 14 seconds West 986.30 feet; thence North 88 degrees 39 minutes 18 seconds West 184.05 feet; thence North 6 degrees 15 minutes 40 seconds West 979.13 feet to the point of beginning and containing 5.423 acres, more or less. Subject to right of way for Vermont Street off the entire North side thereof and all other legal easements and rights of way of record. Also subject to and together with an easement for ingress and egress being a part of the Southwest Quarter of Section 4, Township 15 North, Range 3 East, Marion County, Indiana, and being more particularly described as follows: Beginning at a point on the North line of said quarter section being North 88 degrees

20 minutes 04 seconds East (assumed bearing) 823.22 feet from the Northwest corner thereof; thence continue North 88 degrees 20 minutes 04 seconds East along said North line 90.00 feet; thence South 0 degrees 25 minutes 14 seconds West 61.00 feet; thence South 57 degrees 55 minutes 21 seconds West 71.07 feet; thence South 0 degrees 25 minutes 14 seconds West 886.15 feet; thence North 88 degrees 39 minutes 18 seconds West 30.00 feet; thence North 0 degrees 25 minutes 14 seconds East 368.57 feet; thence North 67 degrees 14 minutes 53 seconds West 155.70 feet; thence North 6 degrees 15 minutes 40 seconds West 25.00 feet; thence South 75 degrees 48 minutes 59 seconds East 151.27 feet; thence North 0 degrees 25 minutes 14 seconds East 565.00 feet to the point of beginning and containing in said easement 0.905 acres, more or less, subject to all legal easements and rights of way of record.

(b) The Indiana Medical History Museum, Inc., shall use real estate and improvements leased under this SECTION for public charitable, educational, scientific, and general museum purposes. This lease may not exceed four (4) years at a rental of one dollar (\$1) per year. The lease must allow the state to terminate the lease, if any of the real estate and improvements leased under this SECTION are subleased without the consent of the state or used for a purpose other than a public charitable, educational, scientific, or general museum purpose. Central State Hospital shall continue to provide the services it provided for the real estate and the improvements before the lease for the duration of the lease.

1986-245-3

SECTION 3. (a) Notwithstanding any other law, the appropriate officials, acting on behalf and in the name of the state, shall enter into a lease with Indiana Medical History Museum, Inc., or its successor, at the sole option of Indiana Medical History Museum, Inc., at the expiration of the lease described in SECTION 2 of this act or at any time during the lease described in SECTION 2 of this act, leasing the real estate and the improvements generally known as the Old Pathology Building and the Dead House that are held by Central State Hospital and that are described as follows:

Part of the Southwest Quarter of Section 4, Township 15 North, Range 3 East, Marion County, Indiana, and being more particularly described as follows: Beginning at a point on the North line of said quarter section being North 88 degrees 20 minutes 04 seconds East (assumed bearing) 615.07 feet from the Northwest corner thereof; thence continue North 88 degrees 20 minutes 04 seconds East along said North line 298.15 feet; thence South 0 degrees 25 minutes 14 seconds West 986.30 feet; thence North 88 degrees 39 minutes 18 seconds West 184.05 feet; thence North 6 degrees 15 minutes 40 seconds West 979.13 feet to the point of beginning and containing 5.423 acres, more or less. Subject to right of way for Vermont Street off the entire North side thereof and all other legal easements and rights of way of record. Also subject to and together with an easement for ingress

and egress being a part of the Southwest Quarter of Section 4, Township 15 North, Range 3 East, Marion County, Indiana, and being more particularly described as follows: Beginning at a point on the North line of said quarter section being North 88 degrees 20 minutes 04 seconds East (assumed bearing) 823.22 feet from the Northwest corner thereof; thence continue North 88 degrees 20 minutes 04 seconds East along said North line 90.00 feet; thence South 0 degrees 25 minutes 14 seconds West 61.00 feet; thence South 57 degrees 55 minutes 21 seconds West 71.07 feet; thence South 0 degrees 25 minutes 14 seconds West 886.15 feet; thence North 88 degrees 39 minutes 18 seconds West 30.00 feet; thence North 0 degrees 25 minutes 14 seconds East 368.57 feet; thence North 67 degrees 14 minutes 53 seconds West 155.70 feet; thence North 6 degrees 15 minutes 40 seconds West 25.00 feet; thence South 75 degrees 48 minutes 59 seconds East 151.27 feet thence North 0 degrees 25 minutes 14 seconds East 565.00 feet to the point of beginning and containing in said easement 0.905 acres, more or less, subject to all legal easements and rights of way of record.

(b) The Indiana Medical History Museum, Inc., shall use the real estate and improvements transferred under this SECTION for public charitable, educational, scientific, and general museum purposes.

(c) The lease described in subsection (a) must:

- (1) be for a period of ninety-nine (99) years at a rental of one dollar (\$1) per year with the option to renew the lease for an additional ninety-nine (99) years at a rental of one dollar (\$1) per year;
- (2) allow the Indiana Medical History Museum, Inc., to purchase services from Central State Hospital at the cost of those services to Central State Hospital (the lease must provide a method of determining these costs; however, the method may be amended with the consent of the parties);
- (3) provide that Indiana Medical History Museum, Inc., is responsible for the maintenance of the real estate and the improvements described in subsection (a);
- (4) allow Indiana Medical History Museum, Inc., to relocate the improvements generally known as the Old Pathology Building and the Dead House to a new site that is generally available to the people of Indiana;
- (5) require Indiana Medical History Museum, Inc., to take title to any improvement described in subdivision (4) that is transferred to a site that is not owned by the state or an instrumentality of the state, subject to a covenant, enforceable by the state, restricting the use of the improvement to a charitable, educational, scientific, and general museum purpose;
- (6) provide for the termination of the lease with respect to any improvement described in subdivision (4) that is moved to a site that is not owned by the state or an instrumentality of the state;
- (7) provide for the termination of the lease with respect to the real estate described in subsection (a) after all improvements described in subdivision (4) are transferred to another site,

regardless of whether the site is owned by the state or an instrumentality of the state;

(8) allow the state to terminate the lease if any of the real estate and improvements described under subsection (a) are subleased without the consent of the state or used for a purpose other than a public charitable, educational, scientific, or general museum purpose; and

(9) permit amendments at any time with the consent of all parties to the lease.

1986-248-1

SECTION 1. There is appropriated to the Indiana war memorials commission one million seven hundred fifty thousand dollars (\$1,750,000) from the state general fund for its use in restoring and improving the State Soldiers' and Sailors' Monument and Monument Circle. This appropriation is in addition to any other amounts appropriated to or for the commission.